

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

LEROY A. THOMAS,	:	CIVIL ACTION NO. 1:05-CV-2689
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
WARDEN HOGSTEN,	:	
	:	
Defendant	:	

ORDER

AND NOW, this 17th day of February, 2006, upon consideration of the report of the magistrate judge (Doc. 9), recommending that the United States be substituted for defendant Warden Hogsten and that the request for a specific amount in damages be stricken from the complaint,¹ to which an objection was filed (see Doc. 10),² and upon further consideration of the amended complaint (Doc. 11), see FED. R. CIV. P. 15(a) (“A party may amend the party’s pleading once as a matter of course at any time before a responsive pleading is served”), which is brought pursuant to the Federal Tort Claims Act (“FTCA”), see 28 U.S.C. §§ 1346, 2680, with the United States Bureau of Prisons as the sole defendant, and again setting forth a specific amount in damages, and the court finding that the United States is the proper party in a Federal Tort Claims Act suit, see 28 U.S.C. § 2679(b), and that plaintiff’s request for a specific amount in damages is prohibited under the Local

¹ Because the plaintiff is proceeding *in forma pauperis*, the magistrate judge engaged in the screening process pursuant to 28 U.S.C. § 1915(e)(2).

² Plaintiff’s objection merely indicates that he filed an amended complaint.

Rules, see L.R. 8.1 (“The demand for judgment . . . shall not claim any specific sum where unliquidated damages are involved.”), it is hereby ORDERED that the report of the magistrate judge (Doc. 9) is ADOPTED as follows:

1. The United States is SUBSTITUTED for defendant United States Bureau of Prisons. See 28 U.S.C. § 2679(b).
2. Defendants Warden Hogsten and the United States Bureau of Prisons are DROPPED as parties to the above-captioned case. See FED. R. CIV. P. 21 (“Parties may be dropped or added by order of the court on motion of any party or of its own initiative at any stage of the action and on such terms as are just.”).
3. The specific request for \$95,000 in damages is STRICKEN from the amended complaint (Doc. 11 at 5). See L.R. 8.1.
4. The above-captioned case is REMANDED to the magistrate judge for further proceedings, including service of the amended complaint (Doc. 11) on the United States.

/s/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge